

Exhibit 54

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE WESTERN DISTRICT OF NORTH CAROLINA
3 ASHEVILLE DIVISION

4 _____
5 CARYN DEVINS STRICKLAND,)

6 Plaintiff,)

7)

8 -vs-) Case No. 1:20-cv-00066

9)

10 UNITED STATES, et al.,)

11 Defendants.)

12 _____

13
14 *** CONFIDENTIAL ***

15 SUBJECT TO PROTECTIVE ORDER

16 ECF NO. 183

17
18 DEPOSITION OF JAMES N. ISHIDA

19 9:05 a.m. to 5:47 p.m.

20 April 13, 2023

21 Richmond, Virginia

22
23
24 Job No. 49661

25 REPORTED BY: Julia A. Bammel, RPR, CSR

1 that, you know, the rule had contemplated.

2 And so reading, you know, it talked about a
3 human resources manager. I tried to find somebody to
4 fit that role. But that's not to say that Tony was
5 incapable of doing that.

6 Q So what does independent mean under
7 Chapter IX?

8 MR. KOLSKY: Object to form.

9 BY MS. SUK GERSEN:

10 Q You spoke about the importance of having an
11 independent person. What do you mean by independence?

12 A Well, so let me back up. So when it
13 talks -- when Chapter IX talks about an investigation
14 must be conducted, it doesn't say -- you know, there's
15 a lot that is not part of how that investigation is
16 started. Like I said, the only thing I remember from
17 Chapter IX is talking about a human resources manager.
18 Somebody like that would be appropriate. And so, you
19 know, I wanted to get somebody like that.

20 Q And why would -- in this e-mail it seems
21 that you are advising Tony to recuse. Am I right in
22 reading the e-mail?

23 A I think what I was concerned about was that,
24 you know, this initiated the process of a report of
25 wrongful conduct under Chapter IX. Now, I don't know

1 what efforts Tony did to investigate those claims. I
2 just wanted to make sure that now that we're in
3 Chapter IX and an investigation is required, I just
4 wanted to make sure he knew that he could step back,
5 and we'll appoint a, you know, investigator, a human
6 resources manager that will now look into what
7 happened.

8 Q Thank you for explaining those concerns. I
9 understand.

10 My question is, were you advising Tony to
11 recuse himself?

12 A No. Well, again, maybe that was the fault
13 of how I'm using "recuse," but I just -- I just meant
14 it more in terms of, like, "You just need to step down.
15 Let the investigator do her work in finding out the
16 circumstances for the report of wrongful conduct."

17 Q Under Chapter IX, does the unit executive
18 usually pick the investigator?

19 A Under Chapter IX, that part is silent. It
20 doesn't say who. It doesn't say how. All it talks
21 about is once a report of wrongful conduct is made, the
22 Chief Judge and the unit executive must be modified.

23 It also talks about an investigation must be
24 done, but it speaks about that in the third party -- in
25 the third sense, so it doesn't say -- it doesn't

1 do with the investigation. I let Heather dictate how
2 that would go. So she didn't give me any draft. She
3 didn't, you know, show me anything.

4 Q We have in the record that you received an
5 earlier report from Heather Beam --

6 A Uh-huh.

7 Q -- earlier than the one that we reviewed
8 here --

9 A Uh-huh.

10 Q -- on November 19th.

11 A Uh-huh.

12 Q Was that a draft of Heather Beam's
13 investigative report?

14 A I think she had submitted to me with the
15 intent that this was her final report.

16 Q Can you clarify?

17 A So she had given me a copy of the
18 investigation report that she had completed, and so I
19 looked at it, and it had a recitation of the events --
20 a chronology of the events that happened along with a
21 sizeable set of attachments, and -- but the one thing
22 that I didn't see in there was her impressions.

23 And we had -- we had a conversation, I
24 think -- I can't remember when, but Heather mentioned
25 that in the process of conducting her investigation,

1 she had formed, you know, some views, some opinions,
2 she had some suggestions, but they weren't included in
3 the report.

4 So I said, "Well, I think it would be
5 helpful to have all of your impressions in the report
6 because you obviously had interviewed people
7 face-to-face, and so you would have information that we
8 would not have." So I -- in essence, what I did was I
9 asked her to include those impressions and her thoughts
10 in the report. So she went back and then revised the
11 report to include those observations and her
12 recommendations as well.

13 Q What do you mean by impressions and
14 observations?

15 A Well, so -- and I'm trying to remember --
16 the conversation I had with Heather was -- I don't know
17 if she used those words, but the sense I -- what I was
18 hearing her to say was she had other thoughts about the
19 case that were not included in the report, and so I had
20 asked her, you know, to create a full, complete, and
21 accurate account of what she found during the course of
22 her investigation. I had asked her to include those in
23 the report.

24 Q So when you received these e-mails from
25 JP Davis that we just reviewed, including the one